

Please type a plus sign (+) inside this box → ☒

PTO/SB/19 (8-96)
Approved for use through 9/30/98. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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NEW PLANT PATENT APPLICATION TRANSMITTAL

(to be used for new applications only)

Attorney Docket Number

W-3941

First Named Inventor

JOSEPH MARANTO

Total Pages in this Submission

17410 U.S. PTO
10/624709
07/21/03

APPLICATION ELEMENTS

Notice: Checklist items mentioned under Application Elements section construct a new plant patent application. Please refer to MPEP Sections 506, 601, 1600 (37 CFR 1.53, 35 USC 111, 112, 113) for detailed explanation regarding completeness of an original plant application.

ACCOMPANYING APPLICATION PARTS

1. ☒ Fee Transmittal Form (prescribed filing fee(s))

2. Specification

☒ Title of the Invention (with Plant's name)

☒ Cross References to Related Applications (if applicable)

☒ Statement Regarding Federally-sponsored Research/Development (if applicable)

☒ Background of the Invention

☒ Brief Summary of the Invention

☒ Brief Description of the Drawings

☒ Detailed Botanical Description

☒ Claim

☒ Abstract of the Disclosure

3. ☒ Drawing(s) in duplicate (as prescribed by 35 USC 165)

4. ☒ Executed Declaration

5. ☒ Plant Color Coding Sheet

6. ☒ Assignment Papers

7. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

8. ☐ English Translation Document (if applicable)

9. ☒ Information Disclosure Statement/PTO-1449 ☒ Copies of IDS Citations

10. ☐ Petition Checklist and Accompanying Petition

11. ☐ Preliminary Amendment

12. ☐ Proprietary Information

13. ☒ Return Receipt Postcard

14. ☒ Small Entity Statement

15. ☒ Additional Enclosures (please identify below):

Copy of Specification for U.S. Department of Agriculture; Transmittal of DNA Profile of the grapevine of the subject invention

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

WORREL & WORREL
Rodney K. Worrel

Signature

Rodney K. Worrel

Date

7/21/03

FOR OFFICIAL USE ONLY

Application Number		Class		Independent Claims	
Date of Receipt	Application Type	GAU		Total Claims	
	Filing Dat	Foreign Filing License?		Drawing Sheets	
	Small Entity	Foreign Address?		Special Handling?	

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PTO/SB/20 (8-96)
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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PLANT COLOR CODING SHEET <i>(to be used for new applications only)</i>				Attorney Docket Number		W-3941	
				First Named Inventor		JOSEPH MARANTO	
				FOR OFFICIAL USE ONLY			
				Date of Receipt			
Sheet	1	of	1	Application Number			

PLEASE LIST THE ITEM TO WHICH COLOR IS A DISTINGUISHING FEATURE, THE COLOR CODE WHICH BEST REPRESENTS THAT PLANT STRUCTURE AND THE COLOR CODE SYSTEM.

ITEM		COLOR
VINE:	Bark:	Dark brown (8-E-11)
	Underbark:	Medium brown (7-C-12 India Tan)
LEAVES:	Dorsal surface:	Green (22-J-8)
	Ventral surface:	Pale green (22-J-5 Leek green)
	Leaf vein - midrib	Grape green (21-J-1)
FLOWERS:	Pistils:	Green (22-L-5 Cerro green)
FRUIT:	Skin:	Olive green (15-L-4) with some amber lime yellow (11-L-5)
COLOR CODE SYSTEM:		Dictionary of Color, Maerz & Paul, 1st edition, 1930.

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07/21/03

FEE TRANSMITTAL		Complete if Known	
		Application Number	
		Filing Date	
		First Named Inventor JOSEPH MARANTO	
		Group Art Unit	
		Examiner Name	
TOTAL AMOUNT OF PAYMENT (\$) 300.00		Attorney Docket Number W-3941	

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																				
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number 23-3185</p> <p>Deposit Account Name WORREL & WORREL</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.311(b)</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>	<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105 130</td><td>205 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127 50</td><td>227 25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139 130</td><td>139 130</td><td>Non-English specification</td><td></td></tr> <tr><td>147 2,460</td><td>147 2,460</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112 900</td><td>112 900</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113 1,790</td><td>113 1,790</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115 110</td><td>215 55</td><td>Extension for response within first month</td><td></td></tr> <tr><td>116 390</td><td>216 195</td><td>Extension for response within second month</td><td></td></tr> <tr><td>117 930</td><td>217 465</td><td>Extension for response within third month</td><td></td></tr> <tr><td>118 1,470</td><td>218 735</td><td>Extension for response within fourth month</td><td></td></tr> <tr><td>119 300</td><td>219 150</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120 300</td><td>220 150</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121 260</td><td>221 130</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138 1,470</td><td>138 1,470</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140 110</td><td>240 55</td><td>Petition to revive unavoidably abandoned application</td><td></td></tr> <tr><td>141 1,290</td><td>241 645</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr> <tr><td>142 1,290</td><td>242 645</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143 440</td><td>243 220</td><td>Design issue fee</td><td></td></tr> <tr><td>144 650</td><td>244 325</td><td>Plant issue fee</td><td></td></tr> <tr><td>122 130</td><td>122 130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123 50</td><td>123 50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126 230</td><td>126 230</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581 40</td><td>581 40</td><td>Recording each patent assignment per property (times number of properties)</td><td>40.00</td></tr> <tr><td>146 770</td><td>246 385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149 770</td><td>249 385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td colspan="3">Other fee (specify) _____</td><td></td></tr> <tr><td colspan="3">Other fee (specify) _____</td><td></td></tr> <tr> <td colspan="2" style="text-align: right;">SUBTOTAL (3) (\$) 40.00</td> <td colspan="2"></td> </tr> </tbody> </table>	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	105 130	205 65	Surcharge - late filing fee or oath		127 50	227 25	Surcharge - late provisional filing fee or cover sheet.		139 130	139 130	Non-English specification		147 2,460	147 2,460	For filing a request for reexamination		112 900	112 900	Requesting publication of SIR prior to Examiner action		113 1,790	113 1,790	Requesting publication of SIR after Examiner action		115 110	215 55	Extension for response within first month		116 390	216 195	Extension for response within second month		117 930	217 465	Extension for response within third month		118 1,470	218 735	Extension for response within fourth month		119 300	219 150	Notice of Appeal		120 300	220 150	Filing a brief in support of an appeal		121 260	221 130	Request for oral hearing		138 1,470	138 1,470	Petition to institute a public use proceeding		140 110	240 55	Petition to revive unavoidably abandoned application		141 1,290	241 645	Petition to revive unintentionally abandoned application		142 1,290	242 645	Utility issue fee (or reissue)		143 440	243 220	Design issue fee		144 650	244 325	Plant issue fee		122 130	122 130	Petitions to the Commissioner		123 50	123 50	Petitions related to provisional applications		126 230	126 230	Submission of Information Disclosure Stmt		581 40	581 40	Recording each patent assignment per property (times number of properties)	40.00	146 770	246 385	Filing a submission after final rejection (37 CFR 1.129(a))		149 770	249 385	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) _____				Other fee (specify) _____				SUBTOTAL (3) (\$) 40.00			
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SUBMITTED BY			Complete (if applicable)	
Typed or Printed Name	Rodney K. Worrel		Reg. Number	27,475
Signature	<i>Rodney K. Worrel</i>	Date	7/21/03	Deposit Account User ID
				23-3185

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Attorney's Docket No. W-3941**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Joseph Maranto
Serial No.: Group No.:
Filed: Examiner:
For: Grapevine Denominated "Margaux"

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

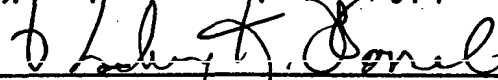
EXPRESS MAIL CERTIFICATE"Express Mail" label number EL557780130USDate of Deposit July 21, 2003

I hereby certify that the following attached paper or fee Copy of Specification; New Plant Patent Application Transmittal; Fee Transmittal Form; check in the amount of \$260.00; Recordation Form Cover Sheet (PTO-1595); check in the amount of \$40.00; Assignment; Title of the Invention; Cross References to Related Applications; Statement regarding Federally-Sponsored Research/Development; Background of the Invention; Brief Summary of the Invention; Brief Description of the Drawing; Detailed Botanical Description; Claim; Abstract; (2) Photographs; Plant Patent Application Declaration; Plant Color Coding Sheet; Submission of Verified Statement; Small Entity Statement - Independent Inventor; Small Entity Statement - Non-Inventor Supporting Claim; Information Disclosure Statement (PTO-1449); Transmittal of DNA Profile of the grapevine of the Subject Invention; and return card.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rodney K. Worrel

(typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

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NOTE: The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

(Express Mail Certificat [8-3])

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**TRANSMITTAL OF DEOXYRIBONUCLEIC ACID (DNA) PROFILE
OF THE GRAPEVINE OF THE SUBJECT INVENTION
DENOMINATED "MARGAUX"**

Applicant	:JOSEPH MARANTO)	
Serial No.	:)	
Filed	:)	Art Unit:
For	:GRAPEVINE DENOMINATED "MARGAUX")	
Examiner	:)	

Honorable Commissioner of Patents
and Trademarks
Washington, D. C. 20231

Fresno, California

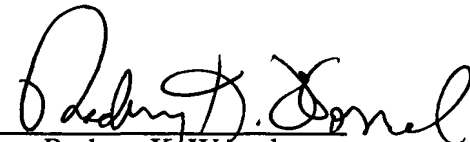
Sir:

Attached hereto is the deoxyribonucleic acid (DNA) profile of the grapevine of the subject invention performed by the Meredith Lab of the Department Of Viticulture and Enology of the University of California, Davis and reported to the assignee of the subject plant patent application by letter of March 12, 2002.

The DNA profile hereof includes the cover letter of March 12, 2002 from Jerry Dangl, Staff Research Associate and the attached DNA profile itself of the grapevine of the instant invention identified in the DNA profile as "Margaux." Also listed is the DNA profile for a distinct grapevine identified as "Blanc" which is the subject of a separate plant patent application.

The applicant hereby respectfully requests that the attached cover letter and DNA profile be filed in this case.

BY: WORREL & WORREL

By 
Rodney K. Worrel,
Registration No. 27,475

Attorney of Record for Applicant

WORREL & WORREL
St. Croix Professional Center
2109 W. Bullard Avenue, Suite 121
Fresno, California 93711-1258

Telephone (559) 431-4391
Facsimile (559) 431.4387

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SANTA BARBARA • SANTA CRUZ

GERALD DANGL
DEPARTMENT OF VITICULTURE AND ENOLOGY
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616
USA

TELEPHONE: (530) 752-7540 or 752-0380
FAX: (530) 752-0382
E-MAIL: gsdangl@ucdavis.edu

15 March 2002

Anton Caratan
Anton Caratan & Son
1625 Road 160
Delano, CA 93215

MAR 25 2002

Dear Mr. Caratan,

On October 24, 2001, we received leaf samples contained in four envelopes labeled as follows:

Blanc, Row 273, Vine#28
Blanc, Row 278, Vine#22
Margaux, Row 258, Vine#5
Margaux, Row 259, Vine#3.

We treated the four envelopes as separate samples and extracted DNA from leaves of each envelope. On the enclosed sheet please find the DNA profile for these samples.

The DNA was typed with 10 grape microsatellite DNA markers. The consensus in the grape genetics research community is that 6 such markers are sufficient to differentiate all grape varieties except sports, so the use of 10 markers provides a very high degree of confidence that the profiles we have obtained are unique to your varieties.

Yours truly,

Jerry Dangel
Staff Research Associate

RECEIVED

MAR 05 2002

Meredith Lab, University of California, Davis

15 March 2002

Allele sizes in base pairs for 10 microsatellite DNA markers

Sample Name	VVS2*	VVMD5*	VVMD7*	VVMD27*	VfZAG62*	VfZAG79*	VVMD6	VVMD28	VVMD31	VVMD32
Blanc, Row 273, Vine#28	135 151	228 236	239 249	181 184	187 188	247 257	214 ---	261 ---	212 ---	253 265
Blanc, Row 278, Vine#22	135 151	228 236	239 249	181 194	187 189	247 257	214 ---	261 ---	212 ---	253 265
Margaux, Row 258, Vine#5	135 151	228 236	249 ---	181 194	187 205	247 ---	214 ---	261 ---	212 220	265 273
Margaux, Row 259, Vine#3	135 151	228 236	249 ---	181 194	187 205	247 ---	214 ---	261 ---	212 220	265 273

*The 6 markers indicated by an asterisk have been adopted by the European Union Grape Genetic Resources Working Group and the Meredith Lab as common markers to facilitate exchange of data among grape research laboratories.

Note: The base pair numbers used to designate grape microsatellite alleles may differ slightly between laboratories because of differences in methodology. Non-numerical allele designations have not yet been adopted by the grape genetics research community. Adjustments for inter-laboratory differences can be made by referencing common cultivars that have the same alleles as the samples being analyzed. The alleles indicated above are also observed in the following cultivars:

Marker	Allele	Reference cultivars
VVS2	135	Muscat Hamburg (small allele), Dattier (large allele)
	151	Thompson Seedless (large), Flame Seedless (large)
VVMD5	228	Crimson Seedless (small), Ruby Seedless (small)
	236	Crimson Seedless (large), Ruby Seedless (large)
VVMD7	239	Thompson Seedless (small), Flame Seedless (small)
	249	Crimson Seedless (large), Ruby Seedless (large)
VVMD27	181	Thompson Seedless (small), Flame Seedless (small)
	184	Thompson Seedless (large), Ruby Seedless (only allele)
VfZAG62	187	Dattier (small), Muscat of Alexandria (small)
	189	Thompson Seedless (only allele), Perlette (small)
	205	Perlette (large), Ruby Seedless (large)

Marker	Allele	Reference cultivars
VfZAG79	247	Thompson Seedless (small), Perlette (small)
	257	Ruby Seedless (small), Grenache (only allele)
VVMD6	214	Muscat of Alexandria (large), Muscat Hamburg (large)
VVMD28	261	Dattier (large allele), Carignane (large)
VVMD31	212	Flame Seedless (only allele), Perlette (only allele)
	220	Crimson Seedless (large), Ruby Seedless (large)
VVMD32	253	Thompson Seedless (only allele), Perlette (small)
	265	Crimson Seedless (large), Ruby Seedless (large)
	273	Perlette (large), Flame Seedless (large)